DOCKET FILE COPY ORIGINAL

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

A NEW YORK LIMITED LIABILITY PARTNERSHIP

901 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005-2327

(202) 682-3500
FAX (202) 682-3580

425 PARK AVENUE
NEW YORK, NY 10022-3598
(212) 836-8000
FAX (212) 836-8689

1999 AVENUE OF THE STARS
LOS ANGELES, CA 90067-6048
(310) 788-1000
FAX (310) 788-1200

NINE QUEEN'S ROAD CENTRAL
HONG KONG
852-2845-8989
FAX 852-2845-3682

WRITER'S DIRECT DIAL NUMBER

July 17, 2000

Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: TV Table of Allotments
Marshfield, Missouri
Pelican Broadcasting Company, Inc.

Dear Ms. Salas:

On behalf of Pelican Broadcasting Company, Inc., there is transmitted herewith and filed an original and four copies of its "Amendment to Petition for Rulemaking" in the above-captioned matter.

Should any questions arise with regard to the enclosure, kindly communicate directly with the undersigned counsel.

Very truly yours,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

By: _____
Bruce A. Eisen

No. of Copies rec'd 0+4
List ABCDE

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.606(b)	)	MM Docket No. _____
TV Table of Allotments	)	RM No. _____
TV Broadcast Stations	)	
(Marshfield, Missouri)	)	

To: Chief, Allocations Branch

AMENDMENT TO PETITION FOR RULEMAKING

Pelican Broadcasting Company, Inc. ("Pelican"), by counsel, and pursuant to Section 1.401 of the Commission's rules and *Public Notice*, DA 99-2605 (released November 22, 1999) ("Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations") ("*Window Filing Notice*"),[1] hereby amends its Petition for Rulemaking, filed July 23, 1996, requesting the allotment of Channel 44 to Marshfield, Missouri, as that community's first local television service. Pelican amends its pending rulemaking petition to request that the Commission institute a rulemaking proceeding to amend Section 73.606(b) of the Commission's rules by allotting Channel 56 in lieu of Channel 44 at Marshfield. Accordingly, Pelican proposes to amend Section 73.606(b) of the Commission's rules as follows:

[1] On March 9, 2000, the Commission extended the window filing period until July 15, 2000. *See Public Notice*, 15 FCC Rcd 4974 (2000) ("Window Filing Opportunity For Certain Pending Applications and Allotment Petitions For New Analog TV Stations Extended to July 15, 2000").

	Channel No.	
City	**Present**	**Proposed**
Marshfield, Missouri	- - -	56

In support of this request, Pelican states the following:

As stated above, Pelican currently has pending a rulemaking petition requesting the allotment of Channel 44 to Marshfield, Missouri, which would provide the community with its first local television service.[2] However, as demonstrated in the attached engineering statement of Pete Myrl Warren, the proposed allotment of Channel 44 at Marshfield would cause interference to a co-channel DTV allotment at Springfield, Missouri. *See* Engineering Statement, Exhibit RM-1. Accordingly, Pelican seeks to amend its pending rulemaking petition pursuant to the *Window Filing Notice,* and requests that the FCC amend the TV Table of Allotments by allotting Channel 56 in lieu of Channel 44 at Marshfield.

As demonstrated in Mr. Warren's attached engineering statement, from the allotment reference point,[3] the proposed allotment of Channel 56 at Marshfield complies with the minimum distance separation requirements with respect to all NTSC and DTV allotments, and would not cause prohibited interference to any NTSC or DTV station. *See* Engineering Statement, p. 1 and Exhibits RM-2 and RM-3. The proposed allotment would enable a new full-service television station to

---

[2] Pelican also filed an accompanying application for a new television station to operate on Channel 44 at Marshfield. The application was filed on July 23, 1996.

[3] The reference coordinates of the proposed allotment are North Latitude: 37° 11' 40"; West Longitude: 92° 56' 04". These coordinates reflect Pelican's proposed transmitter site, which is the authorized transmitter site of Station KDEB-TV, Springfield, Missouri. The owner of the proposed transmitter site, Petracom, Inc., has indicated that the site will be made available in the event this petition is granted and Channel 56 is allotted to Marshfield.

commence operation from the proposed transmitter site with 5,000 kilowatts oriented at 20 degrees at an antenna height of 515 meters above average terrain without adversely affecting any other television station. The proposed Channel 56 NTSC facility would provide a new television service to 502,020 people in the Marshfield area, and would provide an 80 dBu contour over the entire community of Marshfield. *Id.* at 1.

The proposed allotment of Channel 56 to Marshfield would promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various states and communities. 47 U.S.C. §307(b). *See National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). In addition, the proposed allotment would promote the second television allotment priority established in the *Sixth Report and Order* in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station. Furthermore, the proposed allotment would promote the emergence of new networks such as The WB Television Network, the United Paramount Network, and the Paxson Network by providing an additional broadcast outlet in a top 100 television market[4] with which to establish a primary affiliation, and thereby bring a new network service to the residents of Marshfield and the surrounding area.

---

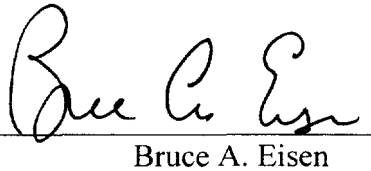
[4] The Springfield market currently is the 79th television market. *See Broadcasting & Cable*, p. 246 (2000).

In light of the above, Pelican requests that the Commission amend the TV Table of Allotments by allotting Channel 56 to Marshfield, Missouri, as the community's first local television service. In the event Channel 56 is allotted to Marshfield, Pelican will amend its pending application (or submit a new application) in accordance with the Report and Order issued in this proceeding to specify the new channel, and modify its technical proposal as necessary so that the proposed Channel 56 NTSC facility will not cause harmful interference to any other television station. In the event its application is granted, Pelican will promptly construct and operate the new NTSC facility.

WHEREFORE, in light of the foregoing, Pelican Broadcasting Company, Inc. respectfully requests that the Commission GRANT this amended petition for rulemaking, AMEND the TV Table of Allotments, and ALLOT Channel 56 to Marshfield, Missouri, as the community's first local television service.

Respectfully submitted,

PELICAN BROADCASTING
COMPANY, INC.

By: 
Bruce A. Eisen

Its Counsel

Kaye, Scholer, Fierman, Hays
& Handler, L.L.P.
901 15TH Street, N.W.
Suite 1100
Washington, DC 20005-2327
(202) 682-3500

July 17, 2000

WES, INC.
6200 Valeria Ln.
El Paso, TX 79912

505-589-2224

ENGINEERING EXHIBIT
PETITION TO MODIFY THE TABLE OF ALLOTMENTS TO SPECIFY A DISPLACEMENT CHANNEL TO SUBSTITUTE FOR MARSHFIELD, MO CHANNEL 44

June 24, 2000

ENGINEERING STATEMENT

Wes, Inc.

DECLARATION

I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Television Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Pelican Broadcasting Company, Inc.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.

Pete E Myrl Warren, III

Executed on the 24th day of June, 2000

Narrative Statement

I. GENERAL

This engineering report has been prepared on behalf of Pelican Broadcasting Company, Inc. in support of its request for a displacement channel (Channel 56) for its pending application for Channel 44 in Marshfield, MO.

II. ENGINEERING DISCUSSION

The applicant originally applied for a construction permit for channel 44 in Marshfield, MO. The applicant is precluded from going on channel 44 due to interference to Springfield, MO as outlined in Exhibit RM-1

The applicant proposes the same site as its original application for C.P.

North Latitude: 37° 11' 40"
West Longitude: 92° 56' 04"

It is proposed to amend Section 73.606(b) of the Commission's rules, NTSC Table of Allotments, to allot Channel 56 (722-728 MHz) for the NTSC television operation of Pelican Broadcasting Company, Inc. As demonstrated below, the proposed Channel 56 NTSC operation at Marshfield, Missouri, will not cause any harmful interference to any other analog NTSC or DTV station or allotments exceeding the Commission's guidelines. Marshfield, MO Channel 56 would provide additional service to a population of 502,020 people.

The proposed NTSC Channel 56 has site availability and can operate from the proposed antenna site with an Antenna Concepts C-170 at five megawatts oriented at 20 degrees and 515 meter HAAT without adversely impacting any other TV operations. The proposed Channel 56 would serve all of Marshfield, Missouri within its 80 dBu contour.

Analog NTSC TV Allocation Situation

The attached Exhibit RM-2 demonstrates that Channel 56, Marshfield, Missouri, **is free of any short-spacings to any other NTSC stations.**

DTV Allocation Situation

The applicant is free of any short-spacing to any digital allotments. There are three digital stations within the required 429 kilometer study distance that required further study to determine whether or not they would receive interference from the proposed channel 56, as outlined in exhibit RM-3. The attached exhibits FLR-1 and FLR-2 demonstrate what interference Springfield DTV channel 52, St. Louis DTV channel 56, and Tulsa DTV channel 56 receive before the addition of Marshfield channel 56 and after the addition of Marshfield channel 56. . The interference accepted by each of these stations is less than 0.5% and is therefore considered negligible and acceptable.

III. Class A

There are no Class A LPTV stations that must be protected .

IV. Summary

The applicant must change channel from Channel 44 in Marshfield, MO to channel 56 in order to avoid interference to digital television. On channel 56, Marshfield, MO **is clear of all short-spacing to digital and NTSC stations and will not cause any interference to any digital or NTSC station.**

Exhibit RM-1
Marshfield, MO

June 24, 2000
by WES, Inc. Broadcast Consultants

Spacing study to Digital TV on Marshfiled's current channel 44

Study Location:
Marshfield, MO Channel 44

NTSC Study Station, Transmitter Coordinates: 37-11-40 N 92-56-4 W

Study distance: 429 km

NTSC TO DTV STUDY RESULTS

City of License	ST	Chan	Bearing	Distance	Req.Dist	Diff.
Fayetteville	AR	45	212.62	181.77	88.50	93.27
Centerville	IA	44	0.82	391.98	244.60	147.38
Springfield	IL	44	46.47	419.77	244.60	175.17
Topeka	KS	44	306.34	339.20	244.60	94.60
Joplin	MO	43	264.75	142.92	88.50	54.42
Springfield	MO	44	193.16	2.82	244.60	-241.78
Springfield	MO	52	334.70	3.00	<24.1	21.10

Station is short-spaced to 1 stations.

Exhibit RM-2
Marshfield, MO

June24, 2000

by WES, Inc. Broadcast Consultants

Spacing study to NTSC TV on newly proposed channel 56

Study Location:
Marshfield, MO Channel 56

NTSC Study Station, Transmitter Coordinates: 37-11-40 N 92-56-4 W

Study distance: 300 km

NTSC TO DTV STUDY RESULTS

City of License	ST	Chan	Bearing	Distance	Req.Dist	Diff.

***** End of channel 56 study *****

Station is in the clear!

Exhibit RM-3
Marshfield, MO

June24, 2000

by WES, Inc. Broadcast Consultants

Spacing study to Digital TV on newly proposed channel 56

Study Location:
Marshfield, MO Channel 56

NTSC Study Station, Transmitter Coordinates: 37-11-40 N 92-56-4 W

Study distance: 429 km

NTSC TO DTV STUDY RESULTS

City of License	ST	Chan	Bearing	Distance	Req.Dist	Diff.
Springfield	MO	52	334.70	3.00	<24.1	21.10
St. Louis	MO	56	57.42	275.19	244.60	30.59
Tulsa	OK	56	242.03	277.68	244.60	33.08

Station is in the clear!

Exhibit FLR-1
Marshfield, MO
June 24, 2000

Fortran Longley-Rice Interference Study
by WES, Inc. Broadcast Consultants

Study run without the addition of Marshfield, MO Channel 56
to the FLR database.

```
Run begins Sat Jun 24 20:21:14 2000, host providence
Analysis of: 52A MO SPRINGFIELD
   HAAT  631.0 m, ATV ERP 1000.0 kW
                                  POPULATION   AREA (sq km)
   within Noise Limited Contour       749026       45076.5
   not affected by terrain losses     731226       44237.3
   lost to NTSC IX                        35           8.0
   lost to additional IX by ATV          969          83.9
   lost to ATV IX only                   969          83.9
   lost to all IX                       1004          91.9

Finished Sat Jun 24 20:25:33; run time    0:03:27
     14207 calls to Longley-Rice; path distance increment  1.00 km

Run begins Sat Jun 24 20:15:50 2000, host providence
Analysis of: 56A MO ST. LOUIS
   HAAT  343.0 m, ATV ERP 1000.0 kW
                                  POPULATION   AREA (sq km)
   within Noise Limited Contour      2725527       29865.1
   not affected by terrain losses    2721472       29330.0
   lost to NTSC IX                         0           0.0
   lost to additional IX by ATV        16467         684.0
   lost to ATV IX only                 16467         684.0
   lost to all IX                      16467         684.0

Finished Sat Jun 24 20:19:51; run time    0:03:10
     11582 calls to Longley-Rice; path distance increment  1.00 km

Run begins Sat Jun 24 20:46:39 2000, host providence
Analysis of: 56A OK TULSA
   HAAT  505.0 m, ATV ERP  800.0 kW
                                  POPULATION   AREA (sq km)
   within Noise Limited Contour      1117389       37683.4
   not affected by terrain losses    1107190       36869.5
   lost to NTSC IX                        99           8.0
   lost to additional IX by ATV         4622         248.6
   lost to ATV IX only                  4622         248.6
   lost to all IX                       4721         256.6

Finished Sat Jun 24 20:50:37; run time    0:03:08
     18587 calls to Longley-Rice; path distance increment  1.00 km
```

Exhibit FLR-2
Marshfield, MO
June 24, 2000

Fortran Longley-Rice Interference Study
by WES, Inc. Broadcast Consultants

Study run with the addition of Marshfield, MO Channel 56
to the FLR database at 37-11-40-N 92-56-04-W at 958m AMSL
with a Antenna Concepts C170 at 20 degrees.

```
Run begins Sat Jun 24 20:02:05 2000, host providence
Analysis of: 52A MO SPRINGFIELD
   HAAT  631.0 m, ATV ERP 1000.0 kW
                                    POPULATION   AREA (sq km)
   within Noise Limited Contour        749026       45076.5
   not affected by terrain losses      731226       44237.3
   lost to NTSC IX                         35           8.0
   lost to additional IX by ATV           969          83.9
   lost to ATV IX only                    969          83.9
   lost to all IX                        1004          91.9

Finished Sat Jun 24 20:06:52; run time    0:03:37
     14207 calls to Longley-Rice; path distance increment  1.00 km

Run begins Sat Jun 24 20:08:40 2000, host providence
Analysis of: 56A MO ST. LOUIS
   HAAT  343.0 m, ATV ERP 1000.0 kW
                                    POPULATION   AREA (sq km)
   within Noise Limited Contour       2725527       29865.1
   not affected by terrain losses     2721472       29330.0
   lost to NTSC IX                          0           0.0
   lost to additional IX by ATV         24729        1355.9
   lost to ATV IX only                  24729        1355.9
   lost to all IX                       24729        1355.9

Finished Sat Jun 24 20:15:03; run time    0:04:59
     15525 calls to Longley-Rice; path distance increment  1.00 km

Run begins Sat Jun 24 21:31:11 2000, host providence
Analysis of: 56A OK TULSA
   HAAT  505.0 m, ATV ERP  800.0 kW
                                    POPULATION   AREA (sq km)
   within Noise Limited Contour       1117389       37683.4
   not affected by terrain losses     1107190       36869.5
   lost to NTSC IX                         99           8.0
   lost to additional IX by ATV          6607         441.0
   lost to ATV IX only                   6706         449.0
   lost to all IX                        6706         449.0

Finished Sat Jun 24 21:37:41; run time    0:05:04
     23597 calls to Longley-Rice; path distance increment  1.00 km
```

CERTIFICATE OF SERVICE

I, Toni Daluge, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, L.L.P., hereby certify that on this 17th day of July, 2000, copies of the foregoing "Amendment to Petition for Rulemaking" were hand delivered to the following:

Mr. Roy J. Stewart
Chief, Mass Media Bureau
Federal Communications Commission
The Portals II, Room 2-C347
445 Twelfth Street, S.W.
Washington, D.C. 20554

Mr. Keith Larson
Assistant Chief, Engineering
Mass Media Bureau
Federal Communications Commission
The Portals II, Room 2-C420
445 Twelfth Street, S.W.
Washington, D.C. 20554

Toni D. Daluge